

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 24-mj-1090

DYLAN C. IRVIN

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

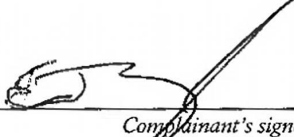
From in or about summer 2023, to on or about March 5, 2024, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendant, DYLAN C. IRVIN, did:

- (1) knowingly use, persuade, induce, entice and coerce a minor, that is, Minor Victim, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such sexually explicit conduct, which visual depictions were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depictions were actually transported and transmitted in and affecting interstate and foreign commerce and knowing or having reason to know, such visual depictions would be transported in and affecting interstate and foreign commerce; and
- (2) knowingly possess any material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer;

all in violation of Title 18, United States Code, Sections 2251(a) and 2252A(a)(5)(B).

This Criminal Complaint is based on these facts:


☒ Continued on the attached sheet.


Complainant's signature

Eric J. Daigler, Task Force Officer, FBI
Printed name and title

Sworn to before me and signed telephonically.

Date: April 11, 2024


Judge's signature

City and State: Buffalo, New York

HON. JEREMIAH J. MCCARTHY, USMJ
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Eric J. Daigler, being duly sworn, depose and say:

1. I am a Task Force Officer of the Federal Bureau of Investigation and have been on the Child Exploitation Task Force (CETF) since September 2023. I have been employed as a police officer with the New York State Police since April 2003. As a member of the CETF, I work on cases associated with the Violent Crimes Against Children program, which targets individuals involved in the online sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have also participated in various FBI and New York State Police mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers and electronic media are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging DYLAN C. IRVIN ("IRVIN"), with a date of birth in October 1998 with sexual exploitation of a child and possession of child pornography, in violation of Title 18, United States Code, Sections 2251(a) and 2252A(a)(5)(B).

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included

each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that IRVIN violated Title 18, United States Code, Sections 2251(a) and 2252A(a)(5)(B).

4. On February 20, 2024, New York State Troopers were dispatched to an overlook near State Route 16S and Duke Center Road in the Town of Alleghany, Cattaraugus County. Troopers were requested to check the welfare of a 13-year-old female (hereinafter “Minor Victim”), who was believed to be with her 25-year-old relative, IRVIN. Troopers located IRVIN and Minor Victim together at the overlook. IRVIN and Minor Victim were found in the rear seat of IRVIN’s vehicle with the lights off and footwear removed. Minor Victim’s mother was contacted and advised Troopers that Minor Victim was not supposed to be with IRVIN due to a complaint originated in Bradford, PA, where IRVIN was suspected of having sexual contact with the Minor Victim.

5. On February 21, 2024, Minor Victim participated in a forensic interview at the Child Advocacy Center located in Olean, NY. During her forensic interview, Minor Victim disclosed that she had engaged in sexual intercourse with IRVIN during the summer of 2023 that consisted of vaginal penetration and oral sex. Minor Victim indicated that these incidents occurred in both Pennsylvania and New York State. Minor Victim indicated she was “dating” IRVIN in 2023, that she had sex with IRVIN when she was 12 and 13 years old, and her sexual relationship with IRVIN became more well known to those around her after she told her father. Minor Victim also indicated that IRVIN had access to her phone and social media accounts, as she has shared account log in information with him.

6. On February 21, 2024, an acquaintance of IRVIN and Minor Victim (hereinafter "Witness 1") responded to the Child Advocacy Center in Olean, NY. Witness 1 disclosed that she had received an explicit image on her Snapchat account from Minor Victim's Snapchat account in the summer of 2023. The image depicts a female performing oral sex on a male. Witness 1 further stated that on February 21, 2024, she had contacted IRVIN and recorded the conversation, which was later provided to and secured by the New York State Police. Your affiant listened to the recording and heard IRVIN state to Witness 1: "I'm hearing you sent something to [Minor Victim's father] that could fuck up my life." Witness 1 further stated that she had sent the screenshot in question to Minor Victim's father earlier in the same day of this conversation with IRVIN. IRVIN can be heard in the recording stating "I fucked up with [Minor Victim]" and referencing the presence of his shoes in the video the screen shot came from. Finally, IRVIN states the only reason he still communicates with Minor Victim is because she has "shit against" him.

7. On February 23, 2024, Minor Victim was interviewed in the presence of her father by Investigator Jason Wattles of the New York State Police. Minor Victim was shown the image secured from Witness 1's cell phone of a female performing oral sex on a male. Minor Victim indicated the female in the screenshot was her, and the male was IRVIN. Minor Victim indicated the incident where she believes the screenshot was taken occurred in the summer of 2023 when she was with IRVIN traveling from Olean, NY to Delevan, NY.

8. On February 23, 2024, Investigator Wattles determined that numerous images of Minor Victim and IRVIN together were present on Minor Victim's cell phone. Images on

Minor Victim's cell phone show her and IRVIN together consistently following the onset of the Bradford Police Department's investigation into the sexual relationship between IRVIN and Minor Victim, which began in September 2023.

9. On February 23, 2024, Witness 1 and another acquaintance of Minor Victim (hereinafter "Witness 2") were interviewed by Investigator Wattles. Witness 1 and Witness 2 were shown a recorded video chat between Witness 2 and IRVIN, which was witnessed by Witness 1 and captured on her cell phone on February 22, 2024. In the video chat IRVIN refers to a video that Witness 1 has. IRVIN states it's a video on "me and..." and Witness 2 responds "your [relative]." IRVIN states shortly thereafter "it's a video of her and I, yes" and references his shoe being in the video. IRVIN can be heard stating "let's just say I might be fucked and be going away for like 10 years." As the conversation continues, IRVIN states "(Minor Victim) has always had shit against me as well," Witness 2 responds "what does she have against you" and IRVIN responds, "well for starters, this shit that I'm so worried about with you and Witness 1, and way more." IRVIN later references having to talk to the Bradford Police Department after Minor Victim's family members made a report against him, and the possibility of "going away." Finally, IRVIN states how Minor Victim's father won't talk to him because "everything is out in the open" and refers to the father as a "complete deadbeat" followed up with "I mean I can't say much for what I did to him and how I fucked up." Finally, IRVIN mentions going to see the father and how he wants him to think how Minor Victim would feel if he went away because of her.

10. On March 5, 2024, New York State Troopers conducted a traffic stop of

IRVIN, at which time he was taken into custody on state charges and his cellular phone, an iPhone Model A2650, was seized. Based on my training and experience, I believe that IRVIN's cellular telephone was not produced in New York State. A search warrant for IRVIN's cellular phone was completed and signed by Cattaraugus County Court Justice Ronald Ploetz. Your affiant reviewed a video of a post Miranda Warnings interview between IRVIN and Investigator Wattles. IRVIN acknowledges that Minor Victim is a relative, that she is 13 or 14 years of age, and that there were allegations involving Minor Victim last year. IRVIN declined to provide the passcode to his cell phone to Investigator Wattles. IRVIN described Minor Victim as "way to young" after he indicated he believed she had a "crush" on him. IRVIN acknowledged he spent time alone with Minor Victim after the report to the Bradford Police Department was made and spending time with Minor Victim when he shouldn't have. IRVIN was charged with New York State Penal Law offences Rape 2nd (PL 130.30), Promoting an Obscene Sexual Performance by a Child (PL 260.10), Criminal Sex Act 2nd (PL 130.45), and Endangering the Welfare of a Child (PL 260.10). An order of protection was issued for IRVIN to stay away from, and not contact Minor Victim.

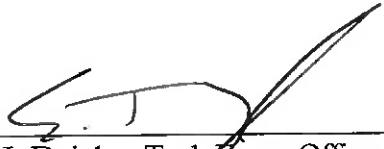
11. On March 27, 2024, your affiant responded to the New York State Police, Troop "A", Computer Crime Unit in Batavia, NY. While on location, your affiant reviewed a video that was located on IRVIN's cellular phone during the forensic analysis. The video is 38 seconds in length and depicts Minor Victim performing oral sex on a male party. The video appears to be the source of the screen shot that Witness 1 received through Snapchat from Minor Victim's account.

12. On March 27, 2024, your affiant met with New York State Police Computer Crimes Unit Investigator Adam Falkner as well as Cyber Crime Specialist Trooper Gage Carrig. Investigator Falkner and Trooper Carrig indicated the below described videos were located on IRVIN's cellular phone (all three appear to be the same video just with different file names). Investigator Falkner and Trooper Carrig indicated that at least one video appeared in IRVIN's phone in a text message thread with Minor Victim where she appears to send the video to IRVIN. Additionally, the videos appear saved within the photo gallery of IRVIN's phone. Your affiant compared the screenshot provided by Witness 1 with the three visually similar videos taken from IRVIN's cellular phone described below. Your affiant believes the screenshot was captured from these videos. Based on my training and experience, I believe all three videos constituted child pornography.


FILE NAME	DESCRIPTION
cm-chat-media-video-1_22b2086g-44ac-59da-8436-afdbcecb030f_163830-0-0.mov	38 second video depicting Minor Victim performing oral sex on an adult male's penis.
1.mov	38 second video depicting Minor Victim performing oral sex on an adult male's penis.
2.mov	38 second video depicting Minor Victim performing oral sex on an adult male's penis.

13. In addition to the videos located, Investigator Falkner also reported the presence of two suspicious Google searches located on IRVIN's cell phone, with the first search being "age of consent in pa" and the second being "is it illegal for 13 to date 25 years old."

14. Based upon the foregoing, I respectfully submit that I have probable cause to believe that **DYLAN C. IRVIN** has violated Title 18, United States Code, Sections 2251(a) and 2252A(a)(5)(B).


Eric J. Daigler, Task Force Officer
Federal Bureau of Investigations

Sworn and subscribed telephonically
this 11th day of April 2024.



HON. JEREMIAH J. MCCARTHY
United States Magistrate Judge